

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 20, 2007

H030944 In re CECELIA H., et al.; D.F.C.S. v. PATRICIA H.

The order appealed from is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 20, 2007

H030022 PEOPLE v. SHUM

By the Court*:

Appellant's petition for rehearing is denied.

Filed: August 20, 2007

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

TUESDAY, AUGUST 21, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and S. Nasson, Deputy Clerk.

H030592 PEOPLE v. JESSICA O.

Cause called and argued by Ann Vandepol appearing for Appellant and by Michael Bannister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030194 PEOPLE v. GUZMAN

Cause called and argued by Lorilee Gates appearing for Appellant and by Sharon Wooden, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030102 PEOPLE v. ALLEN

Cause called and argued by David Martin appearing for Appellant and by Jill Thayer, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030419 SESTO v. KACHAN

Cause called and argued by David Collins appearing for Appellant and by Susan Handelman appearing for Respondent. Cause ordered submitted. McAdams, J. leaves the bench. Mihara, J. takes the bench.

H030830 COX as Trustee, etc. v. TOWLE

Cause called and argued by Michael Jones appearing for Appellant and by Kai Wessels appearing for Respondent. Cause ordered submitted. Duffy, J. leaves the bench. McAdams, J. takes the bench.

Sixth Appellate District

San Jose, California

Tuesday, August 21, 2007 (continued)

H031030 PEOPLE v. LIONEL M.

Cause called and argued by Patricia Lai appearing for Appellant and by Ronald Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court is in recess until the 1:30 p.m. calendar.

The following case is submitted this date:

H030979 PEOPLE v. MITCHELL

H030625 PEOPLE v. RAMIREZ

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed August 21, 2007

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and Jossie Michel, Deputy Clerk.

H029729 PEOPLE v. RENTERIA

Cause called and argued by Mark Farbman appearing for Appellant and by Jeffrey M. Laurence, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030284 In re Marriage of GRAY

Cause called and argued by Mark Hanley Lipton appearing for Appellant and by Nancy Bennett Bunn appearing for Respondent. Cause ordered submitted.

H030490 AURIGNAC, et al. v. AURIGNAC, et al.,

Cause called and argued by Dennis M. Law appearing for Appellants and by Virginia A. Hines appearing for Respondents. Cause ordered submitted. Court is adjourned.

H031142 PEOPLE v. LEVELL

The trial court's order denying in part defendant's motion for additional presentence credit is reversed. The trial court is directed to modify the abstract of judgment to provide for 239 days of actual custody credit and 118 days of conduct credit pursuant to section 4019. (not published)
(Mihara, J.; I concur: Duffy, J.; I concur in the judgment only: Bamattre-Manoukian, Acting P.J.)
Filed August 21, 2007

Sixth Appellate District

San Jose, California

WEDNESDAY, AUGUST 22, 2007

H029699 PEOPLE v. MOORE

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated June 6, 2007, is hereby vacated. The court by separate letter issued August 21, 2007, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: August 22, 2007 Bamattre-Manoukian, Acting P.J.

H030202 MCGUIRE, et al. v. COOLBRANDS SMOOTHIES FRANCHISE, LLC., et al.

The order denying the motion to compel arbitration is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed August 22, 2007

H030232 PEOPLE v. HORTON

The judgment is reversed and the matter is remanded for resentencing on counts 3 through 12 (lewd acts upon a child, § 288, subdivision (a)). Upon resentencing, the trial court shall determine whether counts 3 through 12 were committed on a single occasion (former § 667.61 subd. (g)) under the standard articulated in *People v. Jones* (2001) 25 Cal.4th 98. In all other respects, the judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed August 22, 2007

THURSDAY, AUGUST 23, 2007

The following case is submitted this date:

H031280 In re SKYLER C.; MONTEREY COUNTY DEPT. OF SOCIAL & EMPLOYMENT SVCS. v. AMBER B.

Sixth Appellate District

San Jose, California

Thursday, August 23, 2007 (continued)

H029937 PEOPLE v. MONSIVAIS et al.

The judgment is affirmed. The clerk of the court shall correct Amparo's abstract of judgment on page 566 of the clerk's transcript to state the section number listed for count 4 as Penal Code section 217.1, subdivision (b), and state the crimes listed in counts 3 and 4 are attempted murder of a public officer. The clerk of the court shall correct Monsivais's abstract of judgment on page 561 of the clerk's transcript to correct the Penal Code section 12022.53 enhancements for counts 15 and 16 to read section 12022.53, subdivision (b). The clerk shall correct count 3 on the indeterminate prison commitment page of the abstract of judgment (page 563 of the clerk's transcript) to read Penal Code section 217.1, subdivision (b), attempted murder of a public officer. The clerk of the court shall correct both Monsivais's and Amparo's abstracts of judgment to remove the Penal Code section 186.22, subdivision (b)(1) gang enhancements from the prior convictions box on the determinate abstracts of judgment (pages 561 and 568 of the clerk's transcript) and list them with the conduct enhancements tied to a specific count. Corrected abstracts of judgment for both defendants shall be forwarded to the Department of Corrections. (not published) (Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed August 23, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and Jossie Michel, Deputy Clerk.

H029910 PEOPLE v. PRIDMORE

Cause called and argued by Eric Weaver appearing for Appellant and by Bridget Billeter, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

McAdams, J. leaves the bench and Mihara, Acting P.J. takes the bench.

H030780 TORREZ On Habeas Corpus

Cause called and argued by Tracy L. Gilliam, Deputy District Attorney, appearing for Appellant and by John A. Halley appearing for Respondent. Cause ordered submitted.

H029782 SAHADI, et al., v. SCHEAFFER, et al.

Cause called and argued by Jon B. Eisenberg appearing for Appellants and by Daniel Smith appearing for Respondents. Cause ordered submitted.

Sixth Appellate District

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Thursday, August 23, 2007 (continued)

Bamattre-Manoukian, J. leaves the bench and McAdams, J. takes the bench.

H029974 TRUONG, et al. v. NGUYEN, et al.

Cause called and argued by James J. Der Jr. appearing for Appellants and by Gordin J. Finwall appearing for Respondents. Cause ordered submitted.

H029655 CONNOR v. KATZEN

Cause called and argued by Jay Borgenson appearing for Appellant and by Colette Nicole Pelcic appearing for Respondent. Cause ordered submitted. Court is in recess until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and W. Magsaysay, Deputy Clerk.

H031115 PEOPLE v. RANGEL

Cause called and argued by John P. Strouss appearing for Appellant and by Laurence Sullivan, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court adjourns.

H030143 PEOPLE v. THAING

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed August 23, 2007

H029471 PEOPLE v. LE GRAND

By the Court*:

Appellant's petition for rehearing is denied.
Filed: August 23, 2007

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Duffy, J.

H029958 CENTRAL COAST BAPTIST ASSOCIATION v. FIRST BAPTIST CHURCH OF LOS LOMAS, et al.

The judgment is affirmed. (published)
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed August 23, 2007

Sixth Appellate District

San Jose, California

Thursday, August 23, 2007 (continued)

H031374 In re ALEXIS M., et al.; D.F.C.S v. VANESSA M.

The judgment terminating parental rights is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed August 23, 2007

H031057 PEOPLE v. LEYVA

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 23, 2007

H029218 PEOPLE v. DULIN

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 23, 2007

H030755 PEOPLE v. JEFFERSON

The judgment is reversed and the matter remanded for resentencing. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 23, 2007

H029586 PEOPLE v. WHITE

The judgment is reversed. The conviction for criminal contempt for violating the protective order is reversed, because the protective order upon which it is based was invalid. The order that defendant reimburse the county in the amount of \$200 for attorney fees is stricken. The matter is remanded to the trial court for re-sentencing on the conviction for Penal Code section 288, subdivision (a). (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 23, 2007

H029745 HOFFMAN v. HOFFMAN

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed August 23, 2007

H030002 PEOPLE v. FLENAUGH

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 23, 2007

Sixth Appellate District

San Jose, California

Thursday, August 23, 2007 (continued)

H029604 YIELD DYNAMICS, INC. v. TEA SYSTEMS CORPORATION, et al.

The judgment is affirmed. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 23, 2007

H030190 PEOPLE v. RUIZ, et al.

By the Court*:

Respondent Ruiz's petition for rehearing, joined by
respondent Garcia, is denied.
Filed: August 23, 2007

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and Duffy, J.

FRIDAY, AUGUST 24, 2007

H028934 PEOPLE v. MEDEIROS

By the Court:

Respondent's petition for rehearing is denied.
(Mihara, J. and McAdams, J. participated in this decision.
Bamattre-Manoukian, Acting P.J. would grant rehearing.)
Filed: August 24, 2007

H030830 COX, as Executor, etc. v. TOWLE

The orders are affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy,
J.)
Filed August 24, 2007